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OF MICHAEL D. BURCH

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**Attorneys for Defendants:** REGENTS OF THE UNIVERSITY OF CALIFORNIA,  
LAWRENCE VANDERHOEF, GREG WARZECKA, PAM GILL-FISHER, ROBERT  
FRANKS and LAWRENCE SWANSON

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

In Re: MICHAEL D. BURCH & SYLVIA  
BURCH,

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA, LAWRENCE  
VANDERHOEF, GREG WARZECKA,  
PAM GILL-FISHER, ROBERT FRANKS  
and LAWRENCE SWANSON,

Defendants.

CASE NO. S. 04-38 WBS/GGH

**STIPULATED PROTECTIVE  
ORDER RE: DOCUMENTS  
PRODUCED PURSUANT TO  
ORDER ENTERED AUGUST 30,  
2005**

The parties to this action – Plaintiffs MICHAEL D. BURCH AND THE  
BANKRUPTCY ESTATE OF MICHAEL D. BURCH (collectively “Plaintiffs”), and  
Defendants REGENTS OF THE UNIVERSITY OF CALIFORNIA (“REGENTS”),  
LAWRENCE VANDERHOEF, GREG WARZECKA, PAM GILL-FISHER, ROBERT

FRANKS and LAWRENCE SWANSON (collectively “Defendants”) – acknowledge and agree that the U.S. District Court entered an order in this action on August 30, 2005, which instructed Defendants to produce to Plaintiffs various documents that Defendants assert are privileged.

Defendants represent that they have gathered and marked all such documents (the “Stipulated Documents”) as follows: UC 60, UC 80-87, UC 89-91, UC 94, UC 127-129, UC 152, UC 165-167, UC 199-200, UC 264-265, UC 271-273, UC 294-296, UC 301-302, UC 304-305, UC 308-310, UC 328, UC 333-335, UC 342-343, UC 389-391, UC 414-419, UC 421-428, UC 552-559, UC 856-864, UC 866-869, UC 871-876, UC 885-886, UC 936-938, UC 958, UC 964-966, UC 975-981, UC 983-986, UC 993-995, UC 998-1009, UC 1073-1078, UC 1092-1093, UC 1100-1108, UC 1216, UC 1218-1220, UC 1254-1263, UC 1266-1272, UC 1290-1293, UC 1310-1313, UC 1320, UC 1322-1327, UC 1368-1384, UC 1389-1393, UC 1397, UC 1408-1410, UC 1414-1420, UC 1428-1429, UC 1434-1440, UC 1459-1462, UC 1680-1681, UC 1708-1719, UC 2073-2081, UC 2085, UC 2095-2096, UC 2111-2140, UC 2142-2143, UC 2228, UC 2242-2247, UC 2302, UC 2347-2353, UC 2364-2369, UC 2375-2377, UC 2417-2418, UC 2511-2513, UC 2528, UC 2531-2534, UC 2538-2541, UC 2546-2549, UC 2618-2619, UC 2624-2644, UC 2658, UC 2743-2747, UC 2752, UC 2786-2787, UC 2797-2800, UC 2804, UC 2806-2807, UC 2864, UC 3698, UC 4188, UC 4208-4211, UC 4223-4224, UC 4232-4233, UC 4254-4255, UC 4263-4264, UC 4282-4288, UC 4291-4293, UC 4295-4298, UC 4305-4313, UC 4318-4325, UC 4328-4331, UC 4334-4339, UC 4349-4350, UC 4358-4407, UC 4501-4504, UC 4506-4510, UC 4514-4539, UC 4546-4624, UC 4626-4738, RPD1.0004-0005, RPD1.0120, RPD1.0135-0136, RPD1.0449-0474, RPD1.0478-0488, RPD1.0495-0500, RPD1.0510-0512, RPD1.0516, RPD1.0522-0523, RPD1.0542-0546, RPD1.0549-0561, RPD1.0577-0588, RPD1.0605-0609, RPD1.0611, RPD1.0620-0652, RPD1.0665-0679, RPD1.0694-0700, RPD1.0702-0706, RPD1.0713-0725, RPD1.1233-1244, RPD1.1246-1247, RPD1.1250-1258, RPD1.1285, RPD1.1628-1633, RPD1.2269-2271, RPD1.2524-2533, RPD1.2535,

RPD1.2542, RPD1.2549-2550, RPD1.2588-2591, RPD1.2596-2605, and RPD1.2627-2632. Defendants further represent that these documents constitute the entirety of the responsive documents claimed as privileged.

Defendants contend that the Stipulated Documents should be subject to a protective order. Plaintiffs do not concede that the documents are such that they ultimately should be subject to such an order. However, in order to expedite their production, Plaintiffs herein stipulate that the Stipulated Documents shall be treated as protected documents under this Stipulated Protective Order unless and until otherwise designated by the Court.

Therefore, subject to and without waiving any objections to admissibility of the Stipulated Documents, the parties hereby stipulate that access to and use of such Stipulated Documents and the non-public information contained therein shall be governed by the terms of this Stipulated Protective Order, and that the terms of this stipulated protective order may be entered by the Court. This Stipulated Protective Order shall also apply to all non-public information contained in any extracts or summaries of the Stipulated Documents.

Accordingly, Plaintiffs and Defendants, by and through their respective counsel of record, hereby stipulate to the entry of the following Stipulated Protective Order regarding the disclosure and production of the above stated Stipulated Documents:

1. The Stipulated Documents will be produced by Defendants to Plaintiffs bearing the designation "CONFIDENTIAL."

2. The non-public information contained in the Stipulated Documents shall be used only for the purpose of the prosecution, defense, or settlement of this action and the related action for which discovery is merged, Mansourian v. Regents of the University of California, et al., E.D. Cal. Case No. S-03-2591-FCD/PAN. Plaintiffs, their counsel and their agents shall not disclose, release, or otherwise publish any of the non-public information contained in the Stipulated Documents except as necessary in the litigation of either case.

1           3.       Stipulated Documents produced pursuant to this Stipulated Protected Order  
2 may be disclosed or made available only to the Court, court reporters employed in the  
3 litigation, the parties, counsel for the parties, (including the paralegal, clerical, and  
4 secretarial staff employed by such counsel), witnesses at trial or deposition, expert  
5 witnesses and/or consultants, and persons whose review or input on the documents is  
6 necessary to the prosecution, defense, or settlement of this action and the related action for  
7 which discovery is merged, Mansourian v. Regents of the University of California, et al.,  
8 E.D. Cal. Case No. S-03-2591-FCD/PAN (“Qualified Persons”).

9           4.       All persons who obtain access to the Stipulated Documents pursuant to this  
10 Stipulated Protective Order shall also be subject to its terms and shall agree not to disclose  
11 any of the non-public information obtained except under the terms of this order.

12           5.       The portion of any deposition in which non-public information from the  
13 Stipulated Documents is discussed shall be taken only in the presence of the court reporter  
14 and the Qualified Persons listed above unless counsel for all parties agree otherwise.

15           6.       The portion of any motion, application, petition, or the like, filed with the  
16 Court which includes non-public information from the Stipulated Documents shall be filed  
17 under seal unless counsel for all parties agree otherwise.

18           7.       Nothing in this Stipulated Protective Order shall impose any restriction on the  
19 use or disclosure of material obtained independent of the aforementioned Stipulated  
20 Documents, whether or not such material is also contained therein. Nor shall this Stipulated  
21 Protective Order restrict any party from disclosing such independently obtained information  
22 as he/she deems appropriate. The production and receipt of the Stipulated Documents shall  
23 not constitute an admission that the information contained therein is confidential or  
24 otherwise privileged; nor shall it constitute an admission or waiver with respect to the  
25 ultimate admissibility of the Stipulated Documents or the information contained therein.

26           8.       This Stipulated Protective Order shall survive the final termination of this  
27 action and the Court shall retain jurisdiction to resolve any dispute concerning the use of  
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1 the Stipulated Documents or any information contained therein. Stipulated Documents  
2 covered by this order shall remain subject to this order even after the conclusion of this case  
3 and may be retained for as long as required by law and then destroyed.

4 **IT IS SO STIPULATED.**

5  
6 Dated: October 24, 2005

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/s/

Kristen Galles  
Counsel for Plaintiffs

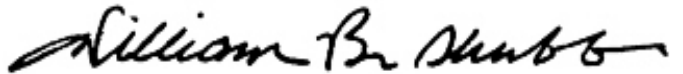
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9 Dated: October 21, 2005

\_\_\_\_\_  
/s/

Brendan J. Begley  
Attorneys for Defendants

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12 **IT IS SO ORDERED.**

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14 Dated: October 25, 2005

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17 WILLIAM B. SHUBB  
18 UNITED STATES DISTRICT JUDGE  
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**BURCH v. BOARD OF REGENTS, et al.**  
**U.S. DISTRICT COURT, EASTERN DISTRICT CASE NO. S 04-38 WBS/GGH**

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**PROOF OF SERVICE**

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of eighteen years and not a party to the above-entitled action; my business address is 350 University Avenue, Suite 200, Sacramento, CA 95825.

On October 24, 2005, I served the following:

**STIPULATED PROTECTIVE ORDER RE: DOCUMENTS PRODUCED  
PURSUANT TO ORDER ENTERED AUGUST 30, 2005**

**XX BY MAIL.** I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Sacramento, California.

\_\_\_\_ **BY PERSONAL SERVICE.** I caused such document to be delivered by hand to the office of the person(s) listed below.

\_\_\_\_ **BY OVERNIGHT DELIVERY.** I caused such document to be delivered by overnight delivery to the office of the person(s) listed below.

\_\_\_\_ **BY FACSIMILE.** I caused such document to be faxed to the office of the person(s) listed above with a original or copy of said document placed in the United States mail with postage thereon fully prepaid at Sacramento, California.

addressed as follows:

Kristen Galles  
**EQUITY LEGAL**  
10 Rosecrest Avenue  
Alexandria, VA 22301

Richard J. Hanf  
P.O. Box 6499  
Napa, CA 94581

Dan Siegel  
Anne Butterfield Weills  
**SIEGEL & YEE**  
499 14<sup>th</sup> Street, Suite 220  
Oakland, CA 94612

I declare under penalty of perjury that the foregoing is true and correct and was executed on October 24, 2005, at Sacramento, California.

\_\_\_\_\_  
Cindy Cannon